

REMARKS

The instant Amendment and Response is filed in conjunction with a request for continued examination (RCE) of the patent application under 37 C.F.R. § 1.114. Applicants respectfully traverse the rejections of the Final Office Action mailed July 7, 2009 [hereinafter “Final”], and request reconsideration. Claims 6 through 10, 15 through 22, 24, 26, 28 through 31 and 36 through 41 remain pending in the application. Claims 6, 16, 19, 22, 24, 26, 36 and 39 are hereby amended.

Summary of the Examiner Interviews conducted telephonically on October 5, 2009

An Examiner Interview was conducted on October 5, 2009, telephonically between Examiner Michael P. Van Handel and Applicants’ representative, Joseph T. Cygan (Reg. No. 50,937), to discuss proposed claim amendments, amending the independent claims, to overcome the 103(a) rejections under Arsenault in view of Matthews. Applicants wish to thank Examiner Van Handel for taking time to discuss the application. Applicants’ understanding from the discussion of October 5, 2009 is that the independent claims 6, 16, 19, 22, 24, 26, 36 and 39 as amended herein patentably distinguish from the cited references individually and in combination as discussed in further detail below.

Response to Arguments

Applicants wish to thank the Examiner for the Response to Arguments provided in the present Final Office Action. See Final, pages 2-3. The independent claims 6, 16, 19, 22, 24, 26, 36 and 39 have been amended to add inherent language better correlating recitations of the existent user-initiated recorded material with the user-initiated recorded material database as recited in the limitations of the various independent claims.

Rejections under 35 U.S.C. § 103(a)

Claims 6-10, 15-22, 24, 26, 28-31, 36-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,971,119 (issued Nov. 29, 2005) to Arsenault, et al, [hereinafter “Arsenault”], in view of U.S. Patent No. 6,025,837 (issued Feb. 15, 2000) to Matthews III, et al., of record, [hereinafter “Matthews”]. See Final, page 3, ¶ 3.

Because the independent claims 6, 16, 19, 22, 24, 26, 36 and 39 have been amended to correlate the existent recorded material with the user-initiated recorded material database recited in the independent claims, Applicants respectfully submit that the claims are patentably distinguishable from the teachings of Matthews. Applicants respectfully note that, referring to claims 6, 16, 19 and 26, the present Final Office Action states that “Arsenault et al. does not specifically disclose that at least one entry, in at least one cell of said plurality of cells, indicates the presence of user-initiated recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream.” See Final, page 4. The same feature is present in the other independent claims as noted in the present Final Office Action on page 7, referring to claim 22; on page 9, referring to claim 24; and on page 10 referring to claims 36 and 39.

Therefore, in light of the October 5, 2009 discussion and the in view of the claim amendments presented herein, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant(s) has/have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date: October 6, 2009

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